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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,871

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Shin Kikuchi

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4790

23117

7590

02/06/2008

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EXAMINER

DAGER, JONATHAN M

ART UNIT

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3663

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,871	<b>Applicant(s)</b> KIKUCHI ET AL.	
	<b>Examiner</b> JONATHAN M. DAGER	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 April 2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's election without traverse of Group I (claims 1-13) in the reply filed on 05 November 2007 is acknowledged.

Claims 14-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05 November 2007.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 contains the embodiment, "a server-side image data identification information receiving means that receives the server-side image data identification information transmitted from the server". It is unclear from the claim language why the server is transmitting and receiving the same information. The Examiner believes that the terminal is receiving the information.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pechatnikov et al. (US 2004/0030493)

Regarding claim 1, Pechatnikov has disclosed a mobile data terminal containing a display screen (abstract, figures 2B-F). The mobile terminal also comprises resolution related storage means (abstract, para 0004, 0091) for storing pertinent data, terminal side image data storing means (para 0004), a symbol data receiving means (para 0004, 0091) and a symbol image data transmission request means (para 0004, 0091, 0113).

Further, the device of Pechatnikov comprises a server configured for storing image data in correspondence with image resolution on the terminal display screen (para 0091, 0110, 0111), means for receiving a request from the terminal for image data (para 0004, 0005, 0037, 0091), terminal resolution discrimination means (para 0091), and means for transmitting symbol image data from storage based on terminal capabilities (abstract, para 0004, para 0091).

5. Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. See MPEP 2125.

Independent claim 5 is substantially identical to claim 1, and adds that the symbol images constitute specific graphic symbols. This is anticipated by the abstract, specifically, "A method for displaying a map on a mobile client device includes storing map data on a server, the map data defining objects appearing in the map and comprising vector coordinates of the objects in a predetermined frame of reference."

Further, Pechatnikov discloses examples of specific graphic symbols in paragraphs 0019 and 0089, figures 2B-F, and in discussion of receiving POI information from the server (para 0029, 0091, 0102).

Independent claims 6, 9, 12, and 13 are substantially identical to claims 1 and 5, and are rejected under the same rationale as stated above.

Regarding claims 2, 3, 7, 8, 10, and 11, as best understood, Pechatnikov discloses the mobile terminal comprising terminal side storage means for storing identification information (para 0018, 0034, 0035), an identification information request information transmitting means (para 0004, 0091), a server side means for receiving said request (para 0037), a means for updating data/status to the server when it is determined an update is necessary (para 0033, 0110), and a means for said data to be resolution related (para 0091).

Further, Pechatnikov discloses a server capable of storing the image data (para 0033, 0037), receiving a request for image data, a transmission means for transmitting data when requested (para 0033, 0037, 0091, 0004), and a means for updating client information when deemed necessary (para 0033, 0110).

Regarding claim 4, Pechatnikov discloses a server transmitting map information including symbol data, the means for the terminal receiving said data, and map creation means for the display (abstract, para 0004, 0033-0037)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN M. DAGER whose telephone number is (571)270-1332. The examiner can normally be reached on 0830-1800 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan M Dager/  
Examiner, Art Unit 3663  
30 January 2008

/Jack W. Keith/  
Supervisory Patent Examiner, Art Unit 3663